

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MEDICAL DIAGNOSTIC  
LABORATORIES, LLC,

*Plaintiff,*

v.

INDEPENDENCE BLUE CROSS and  
LABORATORY CORPORATION OF  
AMERICA HOLDINGS,

*Defendants.*

CIVIL ACTION  
NO. 16-5855

**ORDER**

**AND NOW**, this 30th day of August, 2017, upon consideration of the Defendants' Motions to Dismiss, (ECF Nos. 43 & 44), the Plaintiff's Responses, (ECF Nos. 47 & 48), and the Defendants' Replies, (ECF Nos. 49 & 50), it is hereby **ORDERED** that the Motions are **GRANTED** in part and **DENIED** in part as follows:

1. **GRANTED** with respect to Count I; Count I is **DISMISSED** with prejudice;
2. **GRANTED** with respect to Count II; Count II is **DISMISSED** with prejudice;
3. **DENIED** with respect to Count III;
4. **DENIED** with respect to Count IV.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.